



PATENT

NS-US035104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiroshi TSUNEHARA

Patent Art Unit: 3683

Serial No.: 10/659,381

Examiner: Melanie Torres

Filed: September 11, 2003

For: VEHICLE BRAKING APPARATUS

THE ASSISTANT COMMISSIONER FOR PATENTS

Sir:

Transmitted herewith is an Amendment in the above-identified application:

☒ No additional fee is required.

The fee has been calculated as shown below:

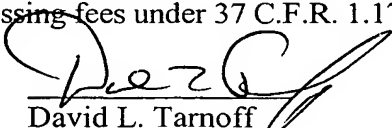
				<u>SMALL ENTITY</u>		<u>OTHER THAN A SMALL ENTITY</u>	
CLAIMS							
REMAINING							
AFTER							
AMENDMENT							
HIGHEST NO. PREVIOUSLY PAID FOR				ADDIT.		ADDIT.	
PRESENT EXTRA				RATE	FEE	RATE	FEE
TOTAL	23	- 23	=	0		x09 =	\$
INDEP	3	- 3	=	0		x43 =	\$
<input type="checkbox"/> 1ST PRESENTATION OF MULT. DEP. CLAIM				+145 =	\$	+290 =	\$
				TOTAL	\$	TOTAL	\$

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1836. A duplicate copy of this sheet is attached.

☒ Any additional excess claim fees under 37 C.F.R. 1.16.

☒ Any additional patent application processing fees under 37 C.F.R. 1.17.

Dated: 4-5-04


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Reg. No. 32,383

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RESPONSE TO ELECTION / RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

The election/restriction requirement dated March 18, 2004 holds that this application contains claims directed to six patentably distinct species. More specifically, Applicant is required to elect one of the following patentably distinct species for prosecution on the merits under 35 U.S.C. §121:

Species A - Figures 1 and 2;

Species B – Figures 3 and 4;

Species C – Figure 5;

Species D - Figure 6;

Species E - Figure 9; and

Species F - Figure 10.

Additionally, the Office Action indicates that there is no generic claim. Applicant respectfully disagrees with this assertion of Office Action, and believes that at least claims 1, 22 and 23 are generic.

Appl. No. 10/659,381
Response dated April 5, 2004
Reply to Office Action of March 18, 2004

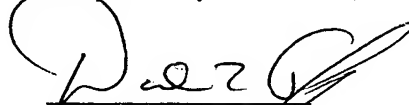
In response to the election/restriction requirement, Applicant hereby elects Species A illustrated in Figures 1 and 2 without traverse. Applicant believes that claims 1, 2, 6, 7, 10-13, 22 and 23 read on Figures 1 and 2.

Accordingly, Applicants respectfully request examination of claims 1, 2, 6, 7, 10-13, 22 and 23 since they read on the elected species shown in Figures 1 and 2. Claims 3-5, 8, 9 and 14-21 are believed to be directed to a non-elected embodiment. Thus, these claims 3-5, 8, 9 and 14-21 can be withdrawn from consideration in this case. However, Applicants respectfully request that these non-elected claims be considered upon the allowance of a generic claim in accordance with U.S. patent practice.

* * *

Prompt examination on the merits is respectfully requested.

Respectfully submitted,


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